IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Bail Appl..No. 6262 of 2007()

CRIME NO. 311/06 OF ERNAKULAM TOWN SOUTH POLICE STATION

PETITIONER/ACCUSED NO.7

CYRA PAUL,
A-H/244, FLAT NO.H, 1ST STREET, ANNA NAGAR,
CHENNAI -40.

BY ADV. SRI.BENNY ANTONY PAREL
SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
KOCHI.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6262 of 2007

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Dated this the 18th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner is the 7th accused in a crime registered alleging offences punishable, inter alia, under Sections 420 and 406 I.P.C. The petitioner is an employee of a company. The defacto complainant had allegedly made payments to the said company. The payment was made on the promise that the defacto complainant shall be granted dealership of Hyundai Company for mobile phones etc. in Kerala. Amounts were received. But the promise was not complied with. After waiting for a long time, the defacto complainant went to the Magistrate's court to file a private complaint. Various persons, including the petitioner, were arrayed as accused. The private complaint was referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner has not been arrested so far in this crime.

2. It is the case of the petitioner that she is only an employee of the company and that she has absolutely no personal gain from the

transactions in question. Amounts were paid to the company and the petitioner is an insignificant employee much lower in the hierarchy. There has been some disputes between the petitioner's employer and the employer's principal. Therefore the petitioner's employer has not been able to honour the commitments to various persons, with whom the employer had entered into agreements. All such disappointed persons, instead of proceeding under the civil law against the company, have now chosen to proceed against the employees of the company. They did not spare the petitioner, an insignificant employee at the lower rank, also. The learned counsel for the petitioner submits that the petitioner has been arrested and dragged unnecessarily to various courts in India. She is at the moment in custody on a case raising similar allegations at Agra. The petitioner expects to get release and to return to her native place, but she apprehends that she may be arrested. It is in these circumstances that the petitioner has come to this court with a prayer that anticipatory bail may be granted to her.

3. The learned Prosecutor does not oppose the application. He has pointed out to the Court that the case diary reveals that the amount was not received by the petitioner, but only by the petitioner's employer in an account maintained by them. In these circumstances, I am satisfied that

anticipatory bail can be granted to the petitioner, subject to appropriate conditions.

4. In the result:

(1) This application is allowed in part.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall, within 30 days of her release from custody surrender before the learned Magistrate having jurisdiction. She shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate. Notice of her surrender shall be given to the Investigating Officer.

(b) The petitioner shall thereafter make herself available before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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